Leading a Criminal Justice Response to Terrorism
The Role of Supreme Court Justices in Europe, the Middle East, and North Africa

JANUARY 2016

BACKGROUND
Effective national criminal justice systems are essential to dealing with the expanding and evolving threat of terrorism in Europe, the Middle East, and North Africa and to bringing terrorists to justice in compliance with the rule of law. Supreme Court justices play a central role in shaping the criminal justice response. As the final arbiters in the criminal justice system, justices are charged with developing and upholding the highest laws of the country, transposing international norms into national laws, and interpreting standards as already applied by international or regional courts. They are in a position to accelerate and strengthen regional cooperation by engaging in strategic and operational discussions with their colleagues and they provide leadership in building up criminal justice capacity in their respective jurisdictions.

ABOUT THIS PROJECT
The Global Center on Cooperative Security (Global Center) and the Institute for Security Studies (ISS), with expert support from the United Nations Counter-Terrorism Committee Executive Directorate (CTED) and funded by the European Commission, launched a project in cooperation with the International Institute for Justice and the Rule of Law (IIJ) aimed at creating a sustainable, nonpolitical forum for Supreme Court-level and senior judicial officials. The forum will bring together justices of the highest courts in Europe, the Middle East, and North Africa, legal experts from international and regional organizations including UN agencies, and representatives of judicial networks and academies to discuss and exchange, among equals, questions of law and good practices for the handling of terrorism cases.

The purpose of the project is to allow for senior judicial authorities and representatives to discuss legal questions pertaining to the adjudication of terrorism cases in compliance with international and human rights law and consider the substantive issues and challenges that arise.

The project will include two Supreme Court-level meetings to be held at the IIJ, one to set the direction and specific goals of the project and a second to report on the findings at the
Supreme Court-level justices and international experts will conduct two national-level study visits. The visits will explore substantive and procedural issues faced by judges handling terrorism-related crimes in the hosting jurisdiction through seminars and meetings with judges, judicial academies, attorneys, civil society, and other criminal justice actors. Key observations based on the country context, successful strategies employed, and ongoing challenges will be shared during high-level roundtable meetings and documented in a final report.

The first study visit was held in Tunis, Tunisia and the second study visit was held in Beirut, Lebanon. Both visits were hosted with the support and welcome of the First President of the respective Courts of Cassation. The international delegation was comprised of Supreme Court justices and experts.

ABOUT THE GLOBAL CENTER ON COOPERATIVE SECURITY

The Global Center works with governments, international organizations, and civil society to develop and implement comprehensive and sustainable responses to complex international security challenges through collaborative policy research, context-sensitive programming, and capacity development. In collaboration with a global network of expert practitioners and partner organizations, the Global Center fosters stronger multilateral partnerships and convenes key stakeholders to support integrated and inclusive security policies across national, regional, and global levels.

ABOUT THE COUNTER-TEERRORISM COMMITTEE EXECUTIVE DIRECTORATE

The Counter-Terrorism Committee (CTC) was established by United Nations Security Council Resolution 1373 (2001) which was adopted unanimously on 28 September 2001 pursuant to Chapter VII of the UN Charter. Resolution 1373 requires all member states to implement a number of measures intended to enhance their legal and institutional ability to counter terrorist activities at home, in their regions and around the world, including taking steps to: criminalize the financing of terrorism; freeze without delay any funds related to persons involved in acts of terrorism; deny all forms of financial support for terrorist groups; suppress the provision of safe haven, sustenance, or support for terrorists; share information with other governments on any groups practicing or planning terrorist acts; cooperate with other governments in the investigation, detection, arrest, extradition, and prosecution of those involved in such acts; and criminalize active and passive assistance for terrorism in domestic law and bring violators to justice.

More recently, Security Council Resolution 2129 (2013) recognized the importance of putting in place criminal justice institutions that can effectively prevent and respond to terrorism within a rule-of-law framework and underlines the importance of strengthening cooperation among member states and with United Nations entities and subsidiary bodies with a view to enhancing their individual capabilities, including by supporting their efforts to develop and implement rule of law-based counterrorism practices. Resolution 2178 (2014) underscores the importance of fulfilling these obligations with respect to investigations or proceedings involving foreign terrorist fighters.
The CTC is assisted by the CTED, which carries out the policy decisions of the committee, conducts expert assessments of each member state, and facilitates counterterrorism technical assistance to countries.

ABOUT THE INSTITUTE FOR SECURITY STUDIES

The ISS is an African organization which aims to enhance human security on the continent. It does independent and authoritative research, provides expert policy analysis and advice, and delivers practical training and technical assistance. The ISS head office is in Pretoria, South Africa. Regional offices are located in Nairobi, Kenya; Addis Ababa, Ethiopia; and Dakar, Senegal. The vision of the ISS is a peaceful and prosperous Africa for all its people. The mission and overall goal of the ISS is to advance human security in Africa through evidence-based policy advice, technical support, and capacity building.

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